

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

ROBERT KLESZYNSKI,
Individually and On Behalf of All
Others Similarly Situated,

Plaintiff,

v.

GENERAL MOTORS COMPANY,
DANIEL F. AKERSON, MARY T.
BARRA, DANIEL AMMANN, and
CHARLES K. STEVENS III,

Defendants.

Case No. 2:17-cv-12565-BAF-DRG

**NOTICE OF NON-OPPosition BY
RICHARD DONOHUE TO THE GM
INVESTOR GROUP'S MOTION FOR
APPOINTMENT AS LEAD
PLAINTIFFS AND APPROVAL OF
LEAD COUNSEL**

On July 26, 2017 pursuant to Section 21D of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), purported class member Richard Donahue (“Movant”) filed a motion for, *inter alia*, appointment as lead plaintiff in connection with the above-captioned securities fraud class action. Two similar motions were filed by other putative class members in this action.

The PSLRA provides a presumption that the “most adequate plaintiff” to represent the interests of class members is the person that, among other things, has “the largest financial interest in the relief sought by the class.” 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I). Having reviewed the competing motions and supporting papers, it appears that the GM Investor Group possess the “largest financial interest in the relief sought by the class.” Moreover, movant KBC Asset Management NV (“KBC”) appears to have a substantial *gain* of \$1.69 million on its General Motors securities transactions once losses on intra-class period sales are properly excluded.

The GM Investor Group also appears to satisfy the typicality and adequacy requirements of Rule 23 of the Federal Rules of Civil Procedure. *See* 15 U.S.C. § 78u-4(a)(3)(B). KBC, on the other hand, does not appear to satisfy the “adequacy” requirement of Rule 23, since it will be subject to unique defenses. Specifically, KBC’s \$1.69 million gain will preclude it from demonstrating “loss causation,” since General Motors’ alleged fraud did not cause a loss for KBC.

Accordingly, Movant does not oppose the appointment of the GM Investor Group as Lead Plaintiffs, or the approval of their selection of The Rosen Law Firm, P.A. as Lead Counsel for the Class. If this Court determines, however, that the lead plaintiff movants with larger losses than Movant are incapable or inadequate to represent the class, Movant continues to be willing and able to serve as lead plaintiff or as a class representative.

By this Notice of Non-Opposition, Movant does not waive his rights to participate and recover as a class member in this litigation, and he remains ready, willing and able to serve as lead plaintiff if the need arises.

Dated: August 24, 2017

GLANCY PRONGAY & MURRAY LLP

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Counsel for Movant

PROOF OF SERVICE

I, the undersigned say:

I am not a party to the above case and am over eighteen years old.

On August 24, 2017, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Eastern District of Michigan, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 24, 2017, at Los Angeles, California.

s/ Lionel Z. Glancy

Lionel Z. Glancy

Mailing Information for a Case 2:17-cv-12565-BAF-DRG Kleszynski v. General Motors Company et al

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Lance C. Young**
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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)